

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

No. 6:22-cv-00371

**Michael Guisto Cromey, Jr.,**  
*Plaintiff,*

v.

**John Rupert et al.,**  
*Defendants.*

**ORDER**

Plaintiff Michael Guisto Cromey, an inmate confined within the Texas prison system proceeding pro se and *in forma pauperis*, filed this civil-rights lawsuit pursuant to 42 U.S.C. § 1983. The case was referred to United States Magistrate Judge K. Nicole Mitchell.


On January 24, 2024, the magistrate judge issued a report (Doc. 29), recommending that defendant Lumpkin's motion to dismiss (Doc. 19) be granted and that plaintiff's claims against him be dismissed, with prejudice, for the failure to state a claim upon which relief may be granted.

A copy of this report was sent to plaintiff at his last-known address. Plaintiff filed a motion for an extension of time to file objections to the report, which was granted. Doc. 34. The magistrate judge directed plaintiff to file his objections no later than February 23, 2024. Even with the benefit of additional time, however, plaintiff has not filed objections.

When there have been no timely objections to a magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996) (en banc). Having reviewed the magistrate judge's report, and being satisfied that it contains no clear error, the court accepts its findings and recommendation.

Defendant's motion to dismiss (Doc. 19) is granted. Plaintiff's claims against defendant Lumpkin are dismissed, with prejudice, for the failure to state a claim upon which relief may be granted.

*So ordered by the court on March 8, 2024.*

  
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J. CAMPBELL BARKER  
United States District Judge